

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ANNA M. COOPER,)	
)	
Plaintiff,)	
)	
v.)	No. 2:12CV60 HEA
)	
DOLGENCORP, LLC,)	
)	
Defendant.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on Defendant Dolgencorp, LLC's ("Defendant") Motion to Dismiss for Failure to Prosecute under Federal Rule of Civil Procedure 41(b) [ECF No. 10].

On August 23, 2012, Defendant removed this case from Circuit Court of Montgomery County, Missouri. On that same date, Defendant filed a Motion to Dismiss Case [ECF No. 7] and a Motion to Compel [ECF No. 8]. Plaintiff Anna M. Cooper ("Plaintiff") failed to respond to either motion. On January 15, 2013, Defendant filed the Motion to Dismiss for Failure to Prosecute under Federal Rule of Civil Procedure 41(b). Plaintiff, again, failed to respond.¹

Rule 41(b) of the Federal Rules of Procedure provides the following:

¹ Based on the record, Plaintiff's counsel has received a Certificate of Service for each of Defendant's filings.

If the Plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it. Unless the dismissal order states otherwise, a dismissal under this subdivision (b) and any dismissal not under this rule – except one for lack of jurisdiction, improper venue, or failure to join a party under Rule 19 – operates as an adjudication on the merits.

Fed.R.Civ.Proc. 41(b)

Here, Plaintiff has clearly failed to prosecute her claims, as she hasn't filed a response to any of Defendant's motions. As such, pursuant to Rule 41(b), Defendant's Motion to Dismiss [ECF No. 10] is well taken and granted.

Accordingly,

IT IS HEREBY ORDERED that Defendant Dolgencorp, LLC's Motion to Dismiss for Failure to Prosecute under Federal Rule of Civil Procedure 41(b) [ECF No. 10] is **GRANTED**.

IT IS FURTHER ORDERED that Motion to Dismiss Case [ECF No. 7] and a Motion to Compel [ECF No. 8] are **DENIED** as moot.

Dated this 12th day of March, 2013.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE